

**Introduced by Senator Padilla**

June 24, 2013

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Senate Concurrent Resolution No. 54—Relative to the California Law Revision Commission.

LEGISLATIVE COUNSEL'S DIGEST

SCR 54, as introduced, Padilla. California Law Revision Commission: referral for study.

Existing law requires the California Law Revision Commission to study any topic referred to it for study by concurrent resolution of the Legislature.

This measure would require the commission to report to the Legislature recommendations to revise statutes governing access by state and local government agencies to customer information from communications service providers, as specified.

Fiscal committee: yes.

- 1 WHEREAS, Widespread use of 21st Century mobile and
- 2 Internet-based communications technologies and services enable
- 3 service providers to monitor, collect, and retain large quantities of
- 4 information regarding customers, including when and with whom
- 5 a customer communicates or transacts business, location data, and
- 6 the content of communications; and
- 7 WHEREAS, Government requests to communications service
- 8 providers for customer information have increased dramatically
- 9 in recent years, especially by law enforcement agencies; and
- 10 WHEREAS, California statutes governing access to customer
- 11 information lack clarity and uniform definitions as to the legal
- 12 standard for government agencies to obtain customer information

1 from communications service providers, and many were enacted  
2 prior to the advent of wireless mobile services and the Internet;  
3 and

4 WHEREAS, Revising and updating these statutes is necessary  
5 to reflect modern technologies and clarify the rights and  
6 responsibilities of customers, communications service providers,  
7 and government agencies seeking access to customer information;  
8 now, therefore, be it

9 *Resolved by the Senate of the State of California, the Assembly*  
10 *thereof concurring*, That the California Law Revision Commission  
11 shall report to the Legislature recommendations to revise statutes  
12 governing access by state and local government agencies to  
13 customer information from communications service providers in  
14 order to do all of the following:

15 (a) Update statutes to reflect 21st Century mobile and  
16 Internet-based technologies.

17 (b) Protect customers' constitutional rights, including, but not  
18 limited to, the rights of privacy and free speech, and the freedom  
19 from unlawful searches and seizures.

20 (c) Enable state and local government agencies to protect public  
21 safety.

22 (d) Clarify the process communications service providers are  
23 required to follow in response to requests from state and local  
24 agencies for customer information or in order to take action that  
25 would affect a customer's service, with a specific description of  
26 whether a subpoena, warrant, court order, or other process or  
27 documentation is required; and be it further

28 *Resolved*, That the Secretary of the Senate transmit copies of  
29 this resolution to the author for appropriate distribution.